

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
In the Matter Of,

FREDERICK M. OBERLANDER, an attorney admitted
To practice before this Court,

Respondent.

Docket No. 16-MC-2637

AMENDED
(SUBSEQUENT)
NOTICE OF APPEAL

-----X
WHEREAS, on August 13, 2018, the court entered an Order in this action imposing discipline on respondent Frederick M. Oberlander while providing and reserving for possible future amendment thereto;

WHEREAS, on August 27, 2018, the respondent filed a motion pursuant to FRCP 54(b) that, to the extent it was necessary to so request, the court order that those matters which the Order disposed of without such provision or reservation for amendment be deemed severed so that appeal might be taken therefrom without awaiting any possible future amendment but nevertheless the time for any such appeal still tolled by the accompanying conterminous motion for reconsideration, *infra*;

WHEREAS, on August 27, 2018, the respondent also, and timely, filed, as part of that same motion, a request for amendment or alteration (thus “reconsideration”) of the Order, which was captioned as made pursuant to Local Rule 6.3 and FRCP 60(b);

WHEREAS, by express provision of the Federal Rules (as to FRCP 59(e) and 60(b)) and by circuit precedent (as to LR 6.3), the 30-day time to appeal from any appealable aspect of the Order was by said filing then tolled during pendency of the motion;

WHEREAS, on August 30, 2018, by request for same August 29, 2018 motion, this court stayed enforcement of discipline imposed by the Order as would otherwise have taken effect September 1, 2018;

WHEREAS, on September 10, 2018, the respondent filed a request that it would be timely, non-prejudicial, and thus proper to deem the August 27, 2018 filing as having been made pursuant to FRCP 52(b)

and also FRCP 59(e) as case law provided such filings are indistinguishable from each other and from those made per LR 6.3, asking the court to so deem so there be no question that time to appeal had been tolled;

WHEREAS, on October 24, 2018, this court entered an order denying in part the August 27, 2018 motion insofar as it requested reconsideration and granting in part that same motion insofar as it requested certification under FRCP 54(b) and directed concomitant entry of the August 13, 2018 order as final.

WHEREAS, on September 12, 2018, respondent filed a protective, early Notice of Appeal from that August 13, 2018 order.

WHEREAS, pursuant to FRAP 4, entry of that October 24, 2018 order caused the September 12, 2018 early Notice of Appeal to become operative as if first filed on that October 14, 2018 date.

NOW THEN, notice is given that respondent also further appeals to the United States Court of Appeals for the Second Circuit from each and every aspect of the October 24, 2018 order denying reconsideration from which appeal may be taken as of right.

Respectfully submitted,

by FREDERICK M. OBERLANDER, *pro se*
28 Sycamore Lane (PO Box 1870)
Montauk, NY 11954
212.826.0357 T
212.202.7624 F